
Appeal Decision

Site visit made on 19 December 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th January 2018

Appeal Ref: APP/W4223/W/17/3180960

Land between 77 & 91-95 Stockport Road, Lydgate, Oldham, OL4 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Harley against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339300/16, dated 20 October 2016, was refused by notice dated 22 February 2017.
 - The development proposed is residential development of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access and layout.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the proposal on the setting of the Lydgate Conservation Area and the settings of the Grade II listed Nos 73-77 and No 91-95 Stockport Road;
 - (d) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development in Green Belt

4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is limited infilling in villages.

5. The Council contends that the appeal site is outside the village of Lydgate and that the proposal would therefore not constitute '*limited infilling in villages*' (my emphasis). In this regard, such an assessment must be based on the characteristics of the site and its surroundings rather than simply relying on the boundary of the conservation area, which was set for other purposes.
6. The appeal site forms part of a field that extends outwards to the north and east. It is currently used for horse grazing and has an agricultural character that is distinct from the adjoining village. The site also consists of land that is higher than the adjoining road, and a traditional dry stone wall runs along its frontage. These features serve to further separate it from the built up area of the village. In my view, the site forms part of the open countryside and is outside the village of Lydgate. Moreover, the proposal would be situated in a wide gap between Nos 73-77 and the standalone property at No 91-95, of around 50 metres in width. In this regard, I do not consider that the development would represent the infilling of a relatively small gap. Accordingly, the proposal would not comprise '*limited infilling*' for the purposes of paragraph 89 of the Framework.
7. My attention has been drawn to a recent appeal in Tandridge¹. However, the full details of that case are not before me. That site also appears to have had a different context and I note that the Inspector states that 40 dwellings had recently been permitted adjacent to it. I have therefore come to my own view on the appeal proposal, rather than relying on the approach taken by my colleague elsewhere. The appellant has also highlighted a 1998 appeal in Rochdale². That Inspector noted that whilst small gaps may be capable of successful development without prejudicing Green Belt objectives, each case should be looked at on its merits. That is the approach I have taken here.
8. Separately, whilst I note that the village has been extended to the south those properties are not of recent construction. There are no details before me regarding the circumstances of their approval, and given their age, they may have been built prior to the designation of the Greater Manchester Green Belt.
9. I conclude that the proposal would be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policies 1 and 22 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (DPD) (2011), which seek to maintain the Borough's Green Belt.

Openness

10. The proposed dwelling would introduce additional built footprint and volume onto land that is currently open. The development would therefore result in a reduction in openness to this part of the Green Belt. The Framework advises at Paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm in this regard.
11. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. This would further harm the objectives of the Green Belt to which the Government attaches significant importance.

¹ APP/M3645/W/16/3141780

² T/APP/P4225/A/97/288414/P2

Setting of the conservation area and listed buildings

12. The appeal site is adjacent to the boundary of the Lydgate Conservation Area, which encompasses the historic core of the village. The significance of the conservation area stems from its large number of well-preserved buildings and spaces that provide a good example of a Pennine ridge settlement in a rural setting.
13. A traditional dry stone wall runs along the western edge of the appeal site and is a prominent feature within the street. It reflects the traditional boundary treatments within the conservation area and makes a positive contribution to its immediate setting. The proposal would involve the partial removal of this wall in order to facilitate access into the site. This would erode the contribution that the wall currently makes and would detract from the traditional character of the area. Whilst the appellant states that a greater proportion of the wall could be retained via condition, it is unclear to what extent this could be achieved while still allowing for adequate sight lines from the proposed access. Accordingly, it is uncertain whether such a condition would overcome my concerns in this case.
14. The appeal site currently affords open views across Saddleworth Moor from within the village. This provides a direct link between the conservation area and its rural setting, and is mirrored by a similar open aspect on the opposite side of the road. The appeal development would result in the partial loss of this open view, which would further harm the setting of the conservation area.
15. The appeal site is adjacent to the Grade II listed No 91-95 Stockport Road to the south. This is an imposing 3 storey double-fronted house that is set apart from other properties on this side of the Road. Owing to its position and open setting, it is prominent in views along the road and has an authority and presence within the street. The appeal development would significantly erode this existing separation and would serve to integrate No 91-95 Stockport Road with the row of development to the north. This would detract from its separate character and would reduce its prominence at this end of the village, and in views from the north. It would also remove part of its open setting that contributes significantly to its character.
16. The appeal site is also adjacent to the Grade II listed terrace at Nos 73-77 Stockport Road to the north. This consists of 3 traditional houses with stone mullion windows and cross-axial chimney stacks. These properties are within the built core of the village and form part of a continuous developed frontage from The White Hart public house. In contrast to the existing grain of development along this side of Stockport Road, the appeal proposal would introduce a detached dwelling with grounds on either side. This layout would not respect the existing flow of development, and would be out of keeping with the adjoining listed terrace. The loss of a significant part of the existing dry stone wall would also harm the traditional setting of these properties.
17. For the above reasons, I conclude that the development would harm the setting of the Lydgate Conservation Area and the settings of the Grade II listed Nos 73-77 and No 91-95 Stockport Road. This harm would be less than substantial when considered against paragraphs 132 – 134 of the Framework. I return to the balancing exercise required at paragraph 134 in my conclusion, below.

Other considerations

18. The development would create an additional family dwelling in a relatively accessible location. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, the development would still make a beneficial contribution to local housing supply. The development would also have some modest economic benefits including the creation of employment, and the generation of economic activity through the purchasing of materials and furnishings. However, these are relatively modest benefits that are common to developments of this type and size.

Other Matters

19. The application is in outline only and appearance, scale, and landscaping do not fall to be considered at this stage. However, I am satisfied that a development that does not unduly overlook or overshadow neighbouring properties could be achieved.
20. Traffic associated with the development would be limited and there is adequate visibility in both directions from the proposed access. I further note that the Highway Authority has not objected to the development on these grounds.

Conclusion

21. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would harm the setting of the Lydgate Conservation Area and the settings of the Grade II listed Nos 73-77 and No 91-95 Stockport Road. The other considerations / public benefits in this case do not outweigh the harm to the Green Belt and to the settings of these designated heritage assets. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to Policies 1, 22, and 24 of the Oldham Joint Core Strategy and Development Management Policies DPD (2011), and guidance contained in the Framework.
22. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR